

Serial No.: 09/874,056
Supplemental Amendment

SUPPORT FOR THE AMENDMENTS

Claims 1-14 have been canceled.

Claims 15-31 have been added.

Support for the new Claim 15 is provided by original Claim 2 and page 7, lines 25-26.

Support for the new Claim 16 is provided by original Claim 3 and page 7, line 27 to page 8, line 3. Support for the new Claim 17 is provided by page 19, line 22 to page 20, line 1.

Support for the new Claim 18 is provided by page 19, lines 15-21. Support for the new Claim 19 is provided by page 19, lines 22-25. Support for the new Claim 20 is provided by original Claim 13 and page 17, line 19 to page 19, line 3. Support for the new Claim 21 is provided by original Claim 13 and page 17, line 19 to page 19, line 3. Support for the new Claim 22 is provided by original Claim 4 and page 16, lines 18-21. Support for the new Claim 23 is provided by original Claim 5 and page 16, lines 22-27. Support for the new Claim 24 is provided by original Claim 6 and page 16, lines 18-27. Support for the new Claim 25 is provided by original Claim 8. Support for the new Claim 26 is provided by original Claim 4 and page 16, lines 18-21. Support for the new Claim 27 is provided by original Claim 5 and page 16, lines 22-27. Support for the new Claim 28 is provided by original Claim 6 and page 16, lines 18-27. Support for the new Claim 29 is provided by page 16, line 18 to page 17, lines 18 and page 19, lines 15 to 21. Support for the new Claim 30 is provided by page 19, lines 15 to 21. Support for the new Claim 31 is provided by original Claims 1 and 2 and page 7, lines 25-26.

No new matter has been entered by the present amendment

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REMARKS

Claims 15-31 are pending in the present application.

Applicants wish to thank Examiner Mertz for the courteous discussion with their undersigned Representative on July 28, 2003. The content of this discussion is believed to be reflected by the remarks set forth herein. Applicants also wish to thank Examiner Mertz for the indication that claims drawn to "an isolated protein consisting of the amino acid sequence of SEQ ID NO: 4" is allowable (paper number 13).

Present Claim 15 is drawn to an isolated protein consisting of the amino acid sequence set forth in SEQ ID NO: 4, which the Examiner has indicated is allowable. Claims 16-19 are drawn to pharmaceutical compositions, which contain the allowed protein of SEQ ID NO: 4. Claims 20-31 are drawn to various methods that utilize the allowed protein of SEQ ID NO: 4. Applicants remind the Examiner that MPEP §821.04 states:

...if applicant elects claims directed to the product, and a product claim is subsequently found allowable, withdrawn process claims which depend from or otherwise include all the limitations of the allowable product claim will be rejoined.

Accordingly, since the Examiner has found the protein of SEQ ID NO: 4 allowable, Applicants note that the process claims (all of which depend from the allowed claim) should be rejoined and subsequently allowed.

Claim 31 is drawn to an isolated protein or variant thereof, which has a binding activity to an insulin receptor-related receptor and the following characteristics:

(a) it consists of the amino acid sequence of SEQ ID NO: 4

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(b) it has a molecular weight of about 6135, 6206, 6250 or 6321 measured by mass spectrometry using the Fourier transformation ion cyclotron method.

Applicants submit that, when read in the context of the present specification, this claim is definite and enabled to the extent that it would require nothing more than routine skill in the art to determine what "variants" fall within or without the scope of the present claim. Specifically, Applicants wish to draw the Examiner's attention to the definition of "variant" provided on page 11, lines 5-9. Accordingly, Applicants submit that Claim 31 should be allowable for the same reasons that the Examiner has indicated that "an isolated protein consisting of the amino acid sequence of SEQ ID NO: 4" is allowable.

Applicants submit that the present application is now in condition for allowance.
Early notification of such action is earnestly solicited.

Respectfully submitted,

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